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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,049	01/18/2001	Gavin Brebner	B-4084 618514-1	7680

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EXAMINER
TIV, BACKHEAN

ART UNIT	PAPER NUMBER
2151	

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 August 2005*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

Detailed Action

Claims 1-19 are pending in this application. Claims 1-17 have been amended

and claims 18-19 are new claims. This is a response to the RCE filed on 8/12/05.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3,5,7-13 are rejected under 35 U.S.C. 103(a) as being unpatentable

over WO 99/16003 issued to Newman in view of US Patent 5,860,071 issued to Ball et

al(Ball) in further view of US Patent 6,044,376 issued to Kurtzman, II.

As per independent claim 1, Newman teaches process for personalized access

to information available on the Internet network, comprising the steps of:

creating at least one profile file containing private data owned by the user, and/or data

regarding the technical specifications of the user's computer(page 2, lines 28-29);

in order to receive an offer file comprising matching rules for matching services

accessible via the internet to said at least one profile(page 10, lines 7-14);

applying the matching rules in the offer file to the profile file in order to select one or

more services from the offer file(page 5, lines 28-31 and page 6, lines 1-3);

However Newman does not teach explicitly teach repeatedly polling a service provider and generating in the user's computer the code of a HTML page describing only said selected services and pushing said HTML page code into a web browser in the user's computer for permitting direct access to the services selected.

Ball teaches repeatedly polling a service provider(col.5,lines 64-67 and col.6,lines1-23)

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the process of Newman to add repeatedly polling a service provider as taught by Ball in order to keep track of changes in a document repository in an efficient manner (Ball, col.2,lines 14-15).

One ordinary skilled in the art would have been motivated to combine Newman and Ball to provide a process for the user to be informed of changes on webpages(Ball, col.2, lines 14-55).

Kurtzman, II teaches generating in the user's computer the code of a HTML page describing only said selected services and pushing said HTML page code into a web browser in the user's computer for permitting direct access to the services selected(col.3, lines 44-50).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the system of Newman in view of Ball to only generate in the user's computer an webpage for a selected service as taught by Kurtzman, II in order to provide the user with specific files to be viewed(Kurtzman, col.3, lines 48-50).

One ordinary skill in the art at the time of the invention would have been motivated to combine the teachings of Newman, Ball, and Kurtzman, II in order to provide a system to select an advertisement to be shown to a user based on certain contents(Kurtzman, II, col.1, lines 5-10).

As per claim 2, process according to claim 1 further comprising creating and updating a local file containing the selected services(Ball, Fig.6,col.6,29-32). Motivation to combine set forth in claim 1.

As per claim 3, process according to claim 2 wherein the polling is executed after a predetermined period(Ball, col.5,lines 64-67 and col.6,lines 1-23), and when the user requests the establishment of an Internet connection(Newman, page 5, it is inherent that there is an establishment of an Internet connection because the user is receive web pages).Motivation to combine set forth in claim 1.

As per claim 5, process according to claim 1 wherein said at least one profile file comprises private data regarding the user and technical data relating to the user's computer(Newman, page10, lines 11-14,31 and page 11, lines 1-3; it is inherent that there is technical data relating to the user's computer because advertisements are being sent to inform the users for upgrades).

As per claim 7, process according to claim 1 wherein it is used for achieving an electronic business application(Newman, page 1, lines 30-31).

As per claim 8, computer program product comprising computer program code stored on a computer readable storage medium for, when executed on a computer, performing all the steps of claim 1(Newman, page 2-28).

Claim 9 is of the same scope as claim 1. Claim 1 recites a method while claim 9 recites an apparatus, therefore is rejected based on the same rationale (see claim 1 rejection).

Claim 10 is of the same scope as claim 2. Claim 2 recites a method while claim 10 recites an apparatus, therefore is rejected based on the same rationale (see claim 2 rejection).

Claim 11 is of the same scope as claim 3. Claim 3 recites a method while claim 11 recites an apparatus, therefore is rejected based on the same rationale (see claim 3 rejection).

As per claim 12, process according to claim 1 wherein the HTML page is generated at the user's computer in response to the occurrence of predetermined conditions(Newman, page 6, lines14-17).

As per claim 13, apparatus according to claim 9, wherein the means for generating the HTML page resides on the user's computer and wherein the HTML page is generated in response to the occurrence of predetermined conditions(Newman, page 6, lines 14-17).

Claims 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO 99/16003 issued to Newman in view of US Patent 5,860,071 issued to Ball et al(Ball) in further view of US Patent 6,044,376 issued to Kurtzman, II in further view of US Patent 5,710,884 issued to Dedrick.

Newman in view of Ball in further view of Kurtzman, II teaches all the limitations

of claim 1, however does not teach as per claim 4, process according to claim 1 wherein

said profile file is encrypted into said local user machine.

Dedrick teaches wherein said profile file is encrypted into said local user

machine(col.6,lines 22-27).

Therefore, it would have been obvious to one having ordinary skill in the art at

the time of the invention to modify the process of Newman in view of Ball in further view

of Kurtzman, II to add wherein said profile file is encrypted into said local user machine

as taught by Dedrick in order to protect the user profile from anyone other than the

individual who is associated with the information (Dedrick, col.6,lines 24-25).

One ordinary skilled in the art would have been motivated to combine Newman,

Ball, Kurtzman, II and Dedrick to provide a process to protect information(Dedrick, col.6,

lines 24-25).

Claims 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO

99/16003 issued to Newman in view of US Patent 5,860,071 issued to Ball et al(Ball) in

further view of US Patent 6,044,376 issued to Kurtzman, II in further view of US Patent

6,035,339 issued to Agraharam et al. (Agraharam).

Newman in view of Ball in further view of Kurtzman, II teaches all the limitations

of claim 1 however does not teach as per claim 6, process according to claim 1 wherein

said at least one profile comprises technical data that is automatically collected by

means of an analysis software program.

Agraharam teaches wherein said at least one profile comprises technical data

that is automatically collected by means of an analysis software program(col.4,lines 14-

17).

Therefore, it would have been obvious to one having ordinary skill in the art at

the time of the invention to modify the process of Newman in view of Ball in further view

of Kurtzman, II to add wherein said at least one profile comprises technical data that is

automatically collected by means of an analysis software program as taught by

Agraharam in order to more conveniently determine the user terminal

capabilities(Agraharam, col.1,lines31-35).

One ordinary skilled in the art would have been motivated to combine Newman,

Ball, Kurtzman, II, Agraharam to provide a process which automatically determines end-

user information(Agraharam, col.1, lines 38-40).

Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over

WO 99/16003 issued to Newman in view of US Patent 5,860,071 issued to Ball et

al(Ball) in further view of US Patent 6,044,376 issued to Kurtzman, II in further view of

US Patent 6,330,569 issued to Baisley et al.(Baisley).

Newman in view of Ball in further view of Kurtzman, II teaches all the limitations

of claim 1, however does not teach as per claim 14, process according to claim 1

wherein the at least one profile file is a XML file stored on the user's computer, and as

per claim 15, process according to claim 14 wherein the offer file is an XML file

repeatedly downloaded from the service provider and stored on the user's computer.

Baisley teaches at least one profile file is a XML file stored on the user's

computer and wherein the offer file is an XML file repeatedly downloaded from the

service provider and stored on the user's computer(Abstract).

Therefore it would have been obvious to one ordinary skilled in the art at the time

of the invention to modify the process as taught by Newman in view of Ball in further

view of Kurtzman, II to add at least one profile file is a XML file stored on the user's

computer and wherein the offer file is an XML file repeatedly downloaded from the

service provider and stored on the user's computer as taught by Baisley in order to

provide updates(Baisley, col.2, line54-67).

One ordinary skilled in the art at the time of the invention would have been

motivated to combine Newman, Ball, Kurtzman, II and Baisley in order to provide a

process where the user can update software on their computers(Baisley, col.2, lines 54-

67).

Claim 16 is rejected for the same reason as claim 14(see above).

Claim 17 is rejected for the same reason as claim 15(see above).

Claims 18,19 are rejected under 35 U.S.C. 103(a) as being unpatentable over

WO 99/16003 issued to Newman in view of US Patent 5,860,071 issued to Ball et

al(Ball) in further view of US Patent 6,044,376 issued to Kurtzman, II in further view of

US Patent 6,317,722 issued to Jacobi et al.(Jacobi).

Newman in view of Ball in further view of Kurtzman, II teaches all the limitations

of claims 1, and 9, however does not explicitly teach as per claim 18, 19, process

according to claim 1, further comprising: assigning user-defined weightings to the data

in the profile file to indicate specified fields that are regarded as being of particular

significance; and taking said weightings into account when applying the matching rules

in the offer file to the profile file in order to select one or more services from the offer file.

Jacobi teaches assigning user-defined weightings to the data in the profile file to

indicate specified fields that are regarded as being of particular significance; and taking

said weightings into account when applying the matching rules in the offer file to the

profile file in order to select one or more services from the offer file(Fig.1, col.11, lines

27-61).

Therefore it would have been obvious to one ordinary skill in the art at the time of

the invention to modify the teachings of Newman in view of Ball in further view of

Kurtzman, II to assign a value to particular area of interest and to receive services

based on the ranking as taught by Jacobi in order to receive other information of area of

interest(Jacobi, col.11, lines 27-61).

One ordinary skill in the art at the time of the invention would have been

motivated to combine the teachings of Newman, Ball, Kurtzman, II and Jacobi in order

to provide a system to recommend products or items to and individual users in an e-

commerce system(Jacobi, col.1, lines 5-10).

Response to Arguments

Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

US Patent 6,047,327 issued to Tso et al.

US Publication 2004/0172331 issued to Merriman et al.

US Patent 6,098,065 issued to Skillen et al

US Patent 6,460,036 issued to Herz

US Patent 6,750,880 issued to Freiberger et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Backhean Tiv whose telephone number is (571)272-3941. The examiner can normally be reached on 9 A.M.-12 P.M. and 1 -6 P.M. Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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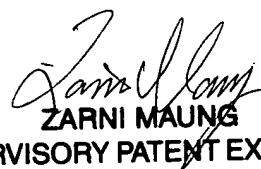
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